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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,500	01/27/2004	David A. Matthews	MS#304649.01 (5439)	6265
38779 7590 05/04/2009 SENNIGER POWERS LLP (MSFT) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102				
EXAMINER AUGUSTINE, NICHOLAS				
ART UNIT 2179		PAPER NUMBER		
NOTIFICATION DATE 05/04/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/764,500

**Applicant(s)**

MATTHEWS ET AL.

**Examiner**

NICHOLAS AUGUSTINE

**Art Unit**

2179

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1 and 3-33.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 04/15/2009  
13. ☐ Other: \_\_\_\_\_.

/Weilun Lo/  
Supervisory Patent Examiner, Art Unit 2179

Continuation of 3. NOTE: Based on the amendments to claim 1, introduction of new issues arises to at least claims 3-9. The new combination of claims 1 and 10 has changed the scope of claims 3-9 having made a new issue.

Continuation of 11. does NOT place the application in condition for allowance because: Based on newly added limitations to claim 1, new issues arise with the scope of dependent claims 3-9, these new issues need further consideration of the current rejection and/or a new search must be conducted. Examiner further notes regarding claims 13-33; that Czerwinski provides a detail explanation throughout paragraphs 38-40. In paragraph 40 it is explained of a user and system (application/ Operating system (automated)) rule sets to perform by the respective identified party, thus Czerwinski teaches "in response to receiving said request, determining the originator of said received request". Also explained mid through paragraph 40 is that the rule sets effects the final presentation of the taskbar and its grouping of elements, such that there are different means of presenting information to the user based on determined parameters (user or system), thus Czerwinski teaches selecting an appropriate manipulation rule set from a plurality of rule sets comprising a user manipulation rule set and an application manipulation rule set. Further described in paragraph 39 are other rule sets that are called predefined layouts which are rules defined to effect how the presentation of groupings and single elements are displayed to the user to be interacted with inside of the taskbar and in combination of what was described in paragraph 40 above it is evident that Czerwinski teaches "said selecting based on the determined originator of the request any wherein a user manipulation rule set is selected if the determined originator of the request is a system user" and "an application manipulation rule set is selected if the determined originator of the request is an application, wherein said application is associated with the selected tile and is an application program other than a tile configuration user interface program". With no proposed claim limitations added to the set of claims 13-33 the Examiner maintains the rejection mailed 2/5/09 .